

## **MINUTES OF REGULAR MEETING HELD MARCH 8, 2016**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, March 8, 2016 at 8:00 p.m.

Acting Mayor Neylan made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 17, 2015. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Acting Mayor Neylan, Council Members Arena, LoGrippo, Della Fera, Kimmins, Stokes

**ABSENT:** Mayor Skibitsky, Council Members Loughlin, Oliveira

Invocation was given by Councilman Della Fera

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

### **PENDING BUSINESS**

### **BIDS**

**TOWN OF WESTFIELD**

**INVITATION TO RE-BID**

**TUESDAY, March 1, 2016**

**2016 DEPARTMENT OF PUBLIC WORKS VEHICLE EXPANSION STORAGE**

The bids as follows were received, read and referred to the Town Engineer:

<u>Bidder</u>	<u>Amount of Bid</u>
UniMak, LLC	Part A - \$769,050.00
82 Midland Avenue, Suite D	Part B - \$450,376.00
Saddle Brook, NJ	Part C - \$67,100.00
T.R Weniger	Part A - \$749,000.00
1900 New Brunswick Avenue	Part B - \$ 572,000.00
Piscataway, NJ	Part C - \$75,000.00
K&D Contractors, LLC	Part A - \$520,000.00
351 Monroe Avenue	Part B - \$425,000.00
Kenilworth, NJ	Part C - \$90,000.00

### **MINUTES**

On a motion by Councilman LoGrippe, seconded by Councilman Arena, Council approved the Minutes of the Town Council Meeting held February 23, 2016 with Councilman Stokes abstaining

On a motion by Councilman Della Fera, seconded by Councilman LoGrippe, Council approved the Minutes of the Conference Session held February 23, 2016 with Councilman Stokes abstaining

### **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

### **BILLS AND CLAIMS**

Introduced by Councilman Arena, seconded by Councilman LoGrippe were adopted unanimously.

RESOLVED that the bills and claims in the amount of \$2,014,240.33 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

Finance Policy Committee

The following resolutions, introduced by Councilman Arena, seconded by Councilman Stokes were unanimously adopted.

- (54) RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Patrick Fiume	Lot 8	#16080137	\$588.00
616 Benson Place			
Westfield, NJ 07090			

- (55) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at The Westwood for Westfield residents is scheduled for Sunday, March 20, 2016 and,

WHEREAS, payment for each participant to The Westwood is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to The Westwood located at 438 North Ave., Garwood, NJ 07027 in an amount not to exceed \$15,000.00 charged to the Recreation Department's Trust 217 Account.

- (56) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$233.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of February 2016.

- (57) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2015 and 2016:

Block/Lot/Qualifier

<u>Name/Mailing Address</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
804/5	285 Seneca Place	2015	\$3,387.48

LoanCare Servicing Center

Attention: Escrow Department

PO Box 43070

Jacksonville, FL 32203

ATTENTION: DEBORAH BELL

2609/4	629 Drake Place	2015	\$2,590.91
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Smith, Joseph E & Jennifer M

5709/10	229 Virginia Street	2016	\$5,158.96
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Chase

Attn: Refunds Department

PO Box 961227

Ft Worth, TX 76161-0227

(58) BE IT RESOLVED that the Town Attorney is hereby authorized to sign a Stipulation of Settlement, pursuant to which the assessment for the property located at 217 North Avenue East (Block 3114, Lot 8) (a) for the year 2011 shall be \$837,000.00, (b) for the year 2012 shall be changed to \$779,100.00, (c) for the year 2013 shall be changed to \$752,400.00, (d) for the year 2014 shall be changed to \$736,800.00, (e) for the year 2015 shall be changed to \$723,900.00 and (f) for the year 2016 shall be changed to \$693,200.00.

(59) BE IT RESOLVED that the Town Attorney is hereby authorized to sign a Stipulation of Settlement, pursuant to which the assessment for the property located at 556 Westfield Avenue (Block 3010, Lot 12) shall be changed to \$471,200.00 for the years 2014 and 2015, and \$416,200.00 for the year 2016.

(60) BE IT RESOLVED that the following sections of the Resolution to Approve Various Financial Accounts for the Year 2016 (the Cash Management Plan) as adopted by Resolution 2016-01, January 3, 2016 is hereby amended as follows:

WHEREAS, R.S. 40A: 4-63 provides that monies held in any separate fund shall be treated as monies held in trust and shall not be diverted to any other purpose;

NOW, THEREFORE, BE IT RESOLVED that the Wells Fargo Bank shall be the depository for the "TOWN OF WESTFIELD, COLLECTOR OF TAXES," and the custodian shall be Susan H. Noon and/or Scott H. Olsen. All disbursements shall be made by checks signed by two of the following: Tax Collector, Deputy Tax Collector, Administrator or Treasurer or by the Treasurer's electronic fund transfer.

WHEREAS, R.S. 40A: 4-63 provides that monies held in any separate fund shall be treated as monies held in trust and shall not be diverted to any other purpose;

NOW, THEREFORE, BE IT RESOLVED that the Wells Fargo Bank shall be the depository for the "TOWN OF WESTFIELD, COLLECTOR REDEMPTION ACCOUNT," and the custodian shall be Susan H. Noon and/or Scott H. Olsen. All disbursements shall be made by checks signed by two of the following: Tax Collector, Deputy Tax Collector, Administrator or Treasurer or by the Treasurer's electronic fund transfer.

WHEREAS, R.S. 40A: 4-63 provides that monies held in any separate fund shall be treated as monies held in trust and shall not be diverted to any other purpose;

NOW, THEREFORE, BE IT RESOLVED that the Wells Fargo Bank shall be the depository for the "TOWN OF WESTFIELD, COLLECTOR PREMIUM ACCOUNT," and the custodian shall be Susan H. Noon and/or Scott H. Olsen. All disbursements shall be made by checks signed by two of the following: Tax Collector, Deputy Tax Collector, Administrator or Treasurer or by the Treasurer's electronic fund transfer.

The following resolution, introduced by Councilman Arena, seconded by Councilman LoGrippe was adopted by the following roll call vote:

(61) WHEREAS, an condition has arisen with respect to either funds being needed for salaries and wages and/or contracts, commitments or payments being due to various vendors prior to the adoption of the 2016 Budget, and

WHEREAS, N.J.S.A. 40A:4-20 provides for creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of N.J.S.A. 40:4-20 (Chapter 96, P.L. 1951, as amended) including this resolution total \$10,368,116.00 for the Current Fund and \$375,315.00 for the Swimming Pool Utility Fund,

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-20:

1. The temporary appropriations listed below will be provided for in the 2016 Budget under the titles shown and for the amounts given as follows:

**Current Fund**

	Salaries & Wages	Other Expenses
Administrative & Executive	57,000.00	52,000.00
Town Clerk	45,000.00	15,000.00
Collection of Taxes	41,000.00	13,000.00
Assessment of Taxes	33,000.00	
Financial Administration	30,000.00	3,000.00
Legal Services & Costs		117,000.00

Municipal Court	113,000.00	7,000.00
Municipal Prosecutor	8,000.00	
Public Defender	4,000.00	
Engineering Services	161,000.00	
Public Works	562,000.00	266,000.00
Public Buildings & Grounds		100,000.00
Planning Board		2,000.00
Board of Adjustment		3,000.00
Group Insurance Plan for Employees		1,036,000.00
Fire Department	899,000.00	82,000.00
Fire Official	35,000.00	4,000.00
Fire Hydrant Service		171,000.00
Parking Administration	59,000.00	
Police Department	1,437,000.00	247,000.00
Crossing Guards	78,000.00	
Emergency Management		3,000.00
Inspection of Buildings	157,000.00	82,000.00
Street Lighting		97,000.00
Electricity		91,000.00
Telephone		48,000.00
Water		7,000.00
Gasoline		48,000.00
Board of Health		11,000.00
Board of Health - Contractual Services	200,000.00	31,000.00
Recreation	25,000.00	1,000.00
Celebration of Public Events		1,000.00
Maintenance of Free Public Library		731,000.00
Social Security System (OASI)		146,000.00
Animal Control Regulation		25,000.00
Police & Firemen's Retirement System (PFRS)		2,063,177.00
Debt Service – Interest on Bonds		4,000.00
Debt Service – Principal payment on Bonds		150,000.00
Unemployment Compensation		16,000.00
Public Employees Retirement System (PERS)		878,939.00
Defined Contribution Retirement Plan (DCRP)		16,000.00
Subtotal	3,944,000.00	6,424,116.00

In the total amount of \$10,368,116.00

### Swimming Pool Utility Fund

	Salaries & Wages	Other Expenses
Swimming Pool Operations	162,000.00	157,000.00
Debt Service – Interest on Bonds		37,815.00

Public Employees Retirement System (PERS)		6,500.00
Social Security (OASI)		12,000.00
Subtotal	162,000.00	213,315.00

In the total amount of \$375,315.00

Yeas: Arena	Nays:	Absent: Loughlin
LoGrippto		Oliveira
Della Fera		Mayor Skibitsky
Kimmins		
Stokes		
Acting Mayor Neylan		

The following resolution, introduced by Councilman Arena, seconded by Councilman Della Fera was adopted by the following roll call vote:

(62) RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the 2015 Budget (Appropriation Reserve) accounts:

	<u>OUT</u>	<u>IN</u>
<b><u>CURRENT FUND</u></b>		
GASOLINE		
5-01-171-211 OTHER EXPENSES (O/E)	5,000	
LEGAL SERVICES		
5-01-120-212 OTHER EXPENSES (O/E)		2,000
BUILDINGS & GROUNDS		
5-01-185-217 OTHER EXPENSES (O/E)		3,000
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	\$5,000	\$5,000

Yeas: Arena	Nays:	Absent: Loughlin
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LoGrippto  
Della Fera  
Kimmins  
Stokes  
Acting Mayor Neylan

Oliveira  
Mayor Skibitsky

Councilwoman Kimmins leaves the meeting at 8:05 PM

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, seconded by Councilman Stokes were unanimously adopted.

(63) RESOLVED that the following application for children's amusement devices be approved:

Amazing Amusement Entertainment  
5 Kennedy Drive  
Marlboro, NJ, 07746

Carnival  
June 3, 2016

Wilson Elementary School  
301 Linden Avenue  
Westfield, NJ

(64) BE IT RESOLVED that the following application for a theater license be and the same is hereby approved and any fees in connection with this application are hereby waived:

Westfield Community Players  
1000 North Avenue, West  
Westfield, New Jersey 07090

150 seats Twenty-four (24) Performances

Regarding the following ordinance, Councilman Della Fera, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2061 – AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 4."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of March 2016 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place



to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Arena.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Loughlin
LoGrippto		Kimmins
Della Fera		Oliveira
Stokes		Mayor Skibitsky
Acting Mayor Neylan		

#### Public Works Committee

The following resolutions, introduced by Councilman Stokes, seconded by Councilman LoGrippto, were unanimously adopted.

(65) WHEREAS, Dan Swayze & Son, Inc., has completed all of the work necessary for the **2015 Townwide Thermoplastic Striping** as authorized by S.O. 2203A and S.O. 2203B, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$143,757.30 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2203A and S.O. 2203B, and

WHEREAS, the Town has been furnished with a Lien Release and an Affidavit of Payment of Prevailing Wage.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$17,842.00 and to effect whatever actions are appropriate by said acceptance for the 2015 Townwide Thermoplastic Striping, with a final contract price of \$143,757.30.

Reports of Department Heads

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$8,381.00 representing monies collected during the month of February 2016.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$7,358.00 during the month of February 2016 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in February 2016 in the amount of \$3,000.00 and \$806.00 Permit Fees was received, read and ordered filed.

Upon motion by Councilman Della Fera, seconded by Councilman Arena the meeting was adjourned at 8:10 p.m.

Claire J. Gray

Town Clerk